REMARKS/ARGUMENTS

Claims 11-42, 63, 65-86, 88-89, 95-97, 99-101 and 106-108 are pending in the present application. Claims 11-42, 65-70, 73, 76-82, 85, 88 and 89 were previously withdrawn from consideration. By virtue of this response, claims 63, 75 and 108 have been amended to recite a dinucleotide. Support for this amendment to claims can be found throughout the specification. Accordingly, claims 63, 71-72, 74-75, 83-84, 86, 95-97, 99-101, and 106-108 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Applicants request rejoinder of methods claims to the extent they recite all the limitations of allowed composition claims. See in re Ochiai.

MPEP 707.02

This application was filed November 14, 2000 and therefore has been pending *over* five years. The instant Office Action is the *eighth* Office Action (including the two Advisory Actions and not including the two Restriction Requirements) mailed by the USPTO in the file history. MPEP 707.02[1] states that any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. Pursuant to MPEP 707.02, Applicants request that the Supervisory examiner, Christina Chan, review this application with a view to finally concluding its prosecution. MPEP 707.02 states that to accomplish this result, the application is to be considered "special" by the examiner. Applicants request that the examiner consider this application as "special" due to the length of its pendency and the number of Office Actions mailed.

[1] Applications up for third action and 5-year applications.

Rejections under 35 U.S.C. § 112

I. Claims 63, 71-72, 74-75, 83-84, 95-97, 99-101 and 106-108 are rejected under Section 112, first paragraph, enablement, as allegedly being enabling for only (1) a population of conjugate molecules, said molecules comprising a ragweed pollen allergen Amb a1 and a polynucleotide consisting of an ISS selected from the group consisting of SEQ ID NOs: 1-8 wherein the extent of conjugation in the population provides an average of at least 5.5 ISS per antigen molecule; (2) the population wherein the ISS consists of the sequence 5' purine, purine, C,G pyrimidine, pyrimidine, C,G 3'; (3) the population wherein the ISS consists of a sequence such as ones set forth in claim 72; (4) a population of conjugate molecules, said molecules comprising Amb a1 and a polynucleotide wherein the polynucleotide consists of an ISS selected from the group consisting of SEQ ID NOS 1-8 wherein the extent of conjugation in the population provides a ratio of (i) average mass of ISS to ii) average mass of antigen of at least about 45 to about 40, (5) the population of conjugate molecules, said molecules comprising Amb a1 and an ISS selected from the group consisting of SEQ ID NOS 1-8, wherein the extent of conjugation in the population provides a ratio of (i) average mass of ISS to ii) average mass of antigen of at least about 45 to about 40, wherein the ISS consists of the sequence 5' purine, purine, C,G pyrimidine, pyrimidine, C,G 3', or a sequence such as the ones set forth in claim 84; (6) a composition comprising the populations of 1-5 in a pharmaceutically acceptable excipeint, and (7) a population of conjugate molecules made by the process: combining a polynucleotide consisting of an ISS of SEQ ID NO:1 and an allergen at a ratio of about 17 molar equivalents of the polynucleotide to about 1 molar equivalent of the allergen whereby conjugate molecules comprising the polynucleotide and allergen are formed, wherein the polynucleotide is consisting of the sequence 5'-C,G-3' for treating allergy, and allegedly not for (1) all polynucleotides comprising any ISS conjugated to any antigen as in claims 63, 75, and 108; (2) any ISS comprising the sequence 5'-purine, purine, C,G, pyrimidine, pyrimidine, C,G-3' (claims 71 and 83); (3) any ISS comprising any sequence (claims 72 and 84) ; (4) any "mammal allergen" as set forth in claims 96 and 100; (5) any antigen is any polypeptide as set forth in claims 106-107; or compositions comprising said conjugate molecules as set forth in the recited claims. The Examiner alleges that the specification does not enable any person skilled in the art to which it pertains, or

with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Applicants traverse this rejection of claims. To comply with the requirements of Section 112, first paragraph, enablement, a specification must adequately teach how to make and how to use the claimed invention, throughout its scope without undue experimentation. Those of skill in the art at the time of the filing would understand how to make and use the claimed invention without undue experimentation.

The Examiner at page 6 of the Office Action states that the term 5'-cytosine guanine-3' refers to a "dinucleotide" which is not recited in the claims. Although the Examiner acknowledges that the term "5'-cytosine guanine-3'" refers to a dinucleotide, he continues to allege that the term 5'-cytosine guanine-3', could be any oligonucleotide greater than 8 and less than about 200 nucleotides in length as long as the 5' end of the oligonucleotide is cytosine and the 3' end is guanine. The Examiner's characterization of an oligonucleotide comprising a 5'-CG-3' as one which has a C on the 5' end of the oligonucleotide and a G on the 3' end of the oligonucleotide is not only incorrect, but *inconsistent* with the teachings of the specification and what is known in the art. The specification makes clear that the phrase "ISS comprises the sequence 5'-cytosine, guanine-3'" is the same as "ISS comprises a CG dinucleotide" or "ISS comprises 5'-cytosine guanine-3'." There is no need to clarify that 5'-cytosine guanine-3' refers to a dinucleotide. Without acquiescing to the rejection and solely in an effort to expedite prosecution, Applicants have amended claims 63, 75, and 108 to recite a 5'-cytosine guanine-3' dinucleotide.

Claim 63 recites a population of conjugate molecules, said conjugate molecules comprising an allergen and a polynucleotide comprising an immunostimulatory sequence (ISS), wherein said ISS comprises a 5'-cytosine guanine-3'dinucleotide, wherein the polynucleotide is greater than 8 and less than about 200 nucleotides in length and wherein the extent of conjugation in the population provides an average of at least 5.5 ISS-containing polynucleotides per allergen molecule. Claim 75 recites a population of conjugate molecules, said conjugate molecules comprising an allergen and a polynucleotide comprising an immunostimulatory sequence (ISS),

wherein said ISS comprises a 5'-cytosine guanine-3' dinucleotide, wherein the polynucleotide is greater than 8 and less than about 200 nucleotides in length and wherein the extent of conjugation in the population provides a ratio of (i) average mass of ISS-containing polynucleotide to (ii) average mass of allergen of at least about 45 to about 40. The specification teaches how to make and use the claimed invention without undue experimentation. ISS are disclosed in the specification at pages 36 through 43 and are known in the art. Conjugate molecules are disclosed at least at page 12, line 19 through page 13, line13 and at page 21, line 20 through page 32, line 2. Classes of conjugate molecules are disclosed beginning at page 32 through 36. As disclosed at pages 23-24, the claimed populations of conjugate molecules fall into the "H" class of conjugate molecules which are defined by particular structural and functional features.[2] In particular, see the specification at page 13, lines 3-5 which state that H conjugates provide the highest reduction in allergenicity. In addition, examples of ISS-containing polynucleotides and methods for their synthesis are provided, for example, at pages 36-43. Examples of allergens for use in the claimed compositions are provided, for example, at pages 43-50. Examples of ways to couple the ISS-containing polynucleotide and antigen to generate the claimed conjugate populations are provided, for example, at page 30-32 and 50-53. Means of assessing the structural and functional characteristics of a population of conjugate molecules as claimed are provided, for example, on pages 28-36. The working examples in the specification (pages 71-86) exemplify populations of the H conjugate molecules with functional features as claimed, and provide disclosure of assays for measuring the functional features of such molecules. As disclosed at page 70, lines 13-19, administration of a population of ISS-antigen conjugate of the H class provides for methods of suppressing antibody formation, in an individual, among other functions. Such disclosure provides adequate guidance such that a skilled artisan would be able to practice the invention without undue experimentation.

The Examiner alleges that the specification is enabling for only a population of conjugate molecules, said molecules comprising a ragweed pollen allergen Amb a1. The Examiner alleges at page 3 of the Office Action that the specification discloses only one allergen Amb a1

[2] See the specification at page 23, lines 8-22. The H class is defined by any of the properties listed, either alone or in combination, including: an average of at least about 5.5 ISS-containing molecules per antigen molecule and ratio of (i)

conjugated to an ISS. Applicants disagree that the specification discloses only one allergen Amb a1 and is enabling for only a conjugate molecule comprising Amb a1. While working examples are not required for compliance with Section 112, first paragraph, the specification provides working examples of at least two species of antigen-ISS conjugates: conjugates comprising the allergen Amb a1, which the Examiner acknowledges is enabled, and conjugates comprising ovalbumin (OVA). As disclosed at page 85 in example 6, OVA-ISS conjugates of all classes, that is, H, M, and L, induced greater CTL activity in mice than antigen alone or than antigen conjugated with non-ISS polynucleotides. Furthermore additional allergens are disclosed in the specification and are known in the art. As stated in the specification, preparation of these antigens is generally known in the art. Given the teaching of the specification and the knowledge of one of skill in the art, the Examiner has not provide a reasonable basis for stating that conjugate molecules comprising allergens other than Amb a1 are not enabled. At page 4 of the Office Action, the Examiner alleges that there is insufficient guidance as to the structure of any mammalian allergen without the amino acid sequence. Allergens are well known in the art with illustrative allergens being disclosed in the specification at Table 1.

In applying the Section 112, first paragraph enablement rejection, the Examiner cites Stryer et al., a general Biochemistry reference; Ngo et al., which discuss algorithms for predicting protein structure; and Chatel et al., which discuss genetic immunization using plasmid DNA. As stated on the record and as reiterated here, none of these references provides evidence to support the Examiner's assertion of non-enablement of the claimed invention. Furthermore, Applicants invite the Examiner's attention to the prosecution file history as it relates to citation of these references. In the Office Actions mailed December 18, 2002 and July 1, 2003, the Examiner relies upon Stryer et al. and Ngo et al. in the Section 112, first paragraph enablement rejection. After Applicants response of October 31, 2003, the Examiner withdraws reliance on Stryer et al. and Ngo et al. as supporting the Section 112, first paragraph rejection of claims. That is, Stryer et al. and Ngo et al. are not cited by the Examiner in the Office Action mailed April 21, 2004. In the *seventh* Office Action mailed December 16, 2004, the Examiner re-cites Stryer et al. and Ngo et al. as supporting

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average mass of ISS-containing polynucleotides to (ii) average mass of antigen is about or at least about 35, 40 or 45 to

the Section 112, first paragraph rejection of claims and *newly cites* the additional reference, Chatel et al. as supporting the Section 112, first paragraph rejection of claims. With respect to Stryer et al. and Ngo et al., Applicants submit that they should not apply as supporting the Section 112, first paragraph rejection of claims as the Examiner earlier withdrew them. With respect to Chatel et al., not cited by the Examiner as supporting the Section 112, first paragraph rejection of claims until the *seventh* Office Action, as stated by MPEP 707.02, the shortest path to final disposition of an application is by finding the best references on the first search and carefully applying them. The Examiner also relies on the references Van Uden, Segal and Yamada[3] to support the lack of enablement rejection. As stated on the record and reiterated here, Van Uden discloses and presents numerous CG-containing sequences as "potent immunostimulatory DNA sequences" in Table 1 and goes on to state that the dinucleotide 5'-CG-3' is generally required for immunostimulatory activity. See, for example, Van Uden page 904. Taken in its entirety, Van Uden teaches that a CG dinucleotide is a critical element for immunostimulatory activity of the oligonucleotide. Segal refers to "CpG-containing oligonucleotides" as immunostimulatory and the only requirement taught for the immunostimulatory activity of an oligonucleotide by Segal is the presence of a CG dinucleotide. Thus, Segal teaches immunostimulatory activity of oligonucleotides containing a CG dinucleotide. Segal does not support the alleged lack of enablement of the claimed invention. Applicants respectfully point out that Yamada describes features of DNA sequences which suppress immune activation by immunostimulatory DNA, not features of the immunostimulatory DNA itself. Yamada provides nothing to support the alleged lack of enablement of the instant invention.

The Examiner alleges at page 5 that given the teachings of the cited six references, two of which were previously withdrawn by the Examiner as supporting the Section 112, first paragraph rejection of claims, there are insufficient working examples demonstrating that the population of conjugate molecules are immunostimulatory, let alone *in vivo* working examples that a population of conjugate molecules are useful for treating allergies.

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about 40.

[3] Van Uden et al. (1999, *J. Allergy Clin. Immunol.* 104:902-910, "Van Uden"), Segal et al. (2000, *J. Immunol.* 164:5683-5688, "Segal"), Yamada et al. (2002, *J. Immunol.* 169:5590-5594, "Yamada"), all cited in Office Action.

Firstly, no working examples, much less *in vivo* working examples, are necessary to comply with Section 112, first paragraph. Secondly, the specification does disclose working examples related to conjugate molecules[4] that demonstrate their immunostimulatory properties and provides disclosure regarding additional examples of conjugate molecules and methods for characterizing them. In making these statements, it appears that the Examiner has inappropriately dismissed the teachings of the specification, and has not provided acceptable documentation or sound scientific reasoning to support any doubt of the teachings of the specification. See, for example, In re Marzocchi, 439, F2nd 220, 224, 169 USPQ 367,370 (CCPA 1071). Also, the presently claimed invention under consideration is directed to compositions, not methods of treating allergies. Compliance with Section 112, first paragraph does not require the presence of *in vivo* working examples demonstrating that a population of conjugate molecules are useful for treating allergies. The Examiner at page 5 of the Office Action alleges that the mass of an ISS containing polynucleotide and mass of an antigen cannot be determined without sequences. Applicants submit that it would not require undue experimentation to determine the mass of any particular ISS containing polynucleotide or any particular antigen known in the art.

At page 3 of the Office Action, the Examiner alleges that only eight specific ISS (SEQ ID NOs: 1-8) are disclosed. Applicants disagree and invite the Examiners attention to pages 36 through 43 of the specification which disclosure numerous ISS. The Examiner states that the specification is enabling only for conjugate molecules consisting of an ISS selected from the group consisting of SEQ ID NOs: 1-8; conjugate molecules consisting of the sequence 5' purine, purine, C,G pyrimidine, pyrimidine, C,G 3'; and conjugate molecule consisting of the sequences such as ones set forth in claim 72 and 84. Applicants disagree that the specification is enabling for only these illustrative examples of ISS being recited by the Examiner. For example, a claimed H class conjugate molecule comprising an allergen (such as Amb a1, or any allergen listed in Table 1 at pages 44-47, such as for example Der p2,[5] Pan sI,[6] PLA,[7] or Fel dI[8]) and an ISS comprising, for

[4] See pages 71-86 of the specification.
[5] For example, see Lynch et al., 1998, J. Allergy Clin. Immunol. 101:562-4, from Table 1 of the specification.
[6] For example, see Leung et al., 1998 Mol. Mar. Biol. Biotechnol. 7:12-20 from Table 1 of the specification.
[7] For example, see Muller et al., 1995, J. Allergy Clin. Immunol. 96:395-402 from Table 1 of the specification.
[8] For example, see Slunt et al. 1995, J. Allergy Clin. Immunol. 95:1221-8 from Table 1 of the specification.

example, a 5'-cytosine guanine-3' dinucleotide with additional nucleotides at either or both ends, or an ISS comprising 5'-purine, purine, C,G pyrimidine, pyrimidine, C,G-3' with additional nucleotides at either or both ends or the sequence disclosed in SEQ ID NO:1 with additional nucleotides at either or both ends can be prepared and tested for function. Methods for preparing such illustrative conjugate molecules and testing them are disclosed in the specification and known in the art and do not require undue experimentation. At page 3 of the Office Action, the Examiner alleges that the specification is enabled only for a population of conjugate molecules made by the process: combining a polynucleotide consisting of an ISS of SEQ ID NO:1 and an allergen at a ratio of about 17 molar equivalents of the polynucleotide to about 1 molar equivalent of the allergen whereby conjugate molecules comprising the polynucleotide and allergen are formed, wherein the polynucleotide is consisting of the sequence 5'-C,G-3' for treating allergy. Applicants disagree that the specification is enabling for *only* a population of conjugate molecules made by this process. Examples of ways to couple the ISS-containing polynucleotide and antigen to generate the claimed conjugate populations are provided, for example, at page 30-32 and 50-53. The Examiner alleges that the conjugate molecules made by the process recited are enabled only for treating allergy. The claims under consideration are compositions claims, not claims directed to method for treating an allergy.

Applicants respectfully submit that the test for enablement is not whether a certain amount of experimentation is required to practice an invention, but rather whether the amount of experimentation is "undue." As the court held in *In re Wands*, 858 F.2d 731, 737 (Fed. Cir. 1988), the test for enablement does not rest merely on the quantity of experimentation that would be required to practice an invention, "since a considerable amount of experimentation is permissible, if it is merely routine, or if the specification in question provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed." Applicants have provided disclosure and data in the form of working examples that shows how to make and assess the claimed functional characteristics of the conjugate populations.

The court in *In re Wands* found that the enablement requirement was satisfied by a "disclosure [that] provides considerable direction and guidance on how to practice [the] invention

and presents working examples," in view of the fact that "[t]here was a high level of skill in the art at the time when the application was filed, and all of the methods needed to practice the invention were well known." *Id.* at 740. With respect to the presently claimed invention, polynucleotides containing immunostimulatory sequences were known in the art as demonstrated, for example, by the many references cited on pages 4-6. In addition, allergens, including their sequences, and ways to conjugate an allergen and a polynucleotide were also known. As outlined above, the specification provides considerable guidance as to how to make and assess the population of conjugate molecules for the required functional and/or structural characteristics of the claims. Thus, following the reasoning in the *In re Wands* decision, the disclosure is adequate to enable the invention as claimed. Accordingly, the pending claims are in compliance with the enablement requirements. Applicants request withdrawal of this Section 112, first paragraph, enablement rejection of claims.

II. Claims 63, 71-72, 74-75, 83-84, 95-97, 99-101 and 106-108 are rejected under Section 112, first paragraph, written description, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Applicants traverse this rejection. Applicants respectfully submit that the specification provides a description of sufficient, relevant, identifying characteristics of the claimed populations of conjugate molecules that one skilled in the art would recognize that the inventor had possession of the claimed invention when the application was filed. The claimed populations of conjugate molecules are sufficiently and identifiably described in the specification both in terms of their structural and functional characteristics. Thus, the pending claims are fully described in the specification as filed.

The Examiner states that the specification does not provide a written description of all polynucleotides comprising any ISS comprising the sequence 5'-CG-3' as set forth in claims 63, 75, and 108; (2) any ISS comprising 5'-purine, purine C,G, pyrimidine, pyrimidine, C,G-3' (claims 71

and 83), (3) any ISS of sequences of claims 72 and 84, (4) any allergen, or compositions in the claims recited. It is not necessary to describe each and every nuance of the claimed invention in order to comply with the Written Description requirements of Section 112, first paragraph. What is conventional or well known to one skilled in the art need not be disclosed in detail. Vas-Cath, Inc. v. Mahurkan, 935 F. 2d 1555,19 USPQ 1111 (Fed. Cir. 1991). The Examiner states at page 9 of the Office Action that the specification discloses only eight specific ISS. Applicants disagree. The specification describes numerous ISS. See for example pages 36 through 43 of the specification. The Examiner alleges that the specification discloses only Amb a1 conjugated to a polynucleotide consisting of SEQ ID NO:1. Applicants disagree. The specification describes numerous allergens, see for Example Table 1, and describes ways to couple ISS to allergen.

The Examiner alleges at page 9 of the Office Action that with the exception of the specific population of conjugates comprising specific ISS and the allergen disclosed in Table 1, there is inadequate written description about the structure and function of the claimed conjugate molecules. Thus, the Examiner indicates that populations of conjugate molecules comprising specific ISS and the allergens disclosed in Table 1 do comply with the written description requirements of Section 112, first paragraph.

With respect to the written description requirement for patentability, the burden is on the Examiner to present evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims. MPEP § 2163. Applicants respectfully submit that the Examiner has failed to meet this burden. The Examiner has not provided supported reasoning why the relevant identifying characteristics of the claimed conjugate populations and the description of allergens and ISS-containing polynucleotides provided by the specification are insufficient to satisfy the written description requirement. For example, although the Examiner indicates at page 9 that there is written description basis for the allergens of Table 1, the Examiner alleges at page 10 and 11 that the specification as filed does not provide adequate written description support for mammalian allergen without the amino acid sequence. Per the Guidelines presented by USPTO Deborah Reynolds in the TC 1600 West Coast Road Show 2005 regarding written description:

> If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, *even it every nuance of the claim is not explicitly described in the specification*, then the requirement for an adequate written description is met.

Per these Guidelines presented by Deborah Reynolds, the foundation for an Examiner's analysis is a review of the *entire* application to understand what applicant has described as the essential features of the claimed invention, with the review being conducted from the standpoint of one of skill in the art at the time the application was filed and includes determining field of the invention and level of skill and knowledge in the art. The invention is based on the discovery that the ratio of ISS to antigen, which includes allergen, in a conjugate molecule can alter the immunostimulatory and biological activities of the conjugate molecule. For example, as the ratio of ISS to antigen increases for a population of conjugate molecules, the allergenicity of the molecules decreases. Other examples of the structure-function relationship of conjugate molecules are described in the specification. For example, the H class of conjugate molecules is described in the specification at least at the paragraph bridging pages 12-13. The invention lies in the unique structure and resultant activity of the claimed conjugate molecules comprising the allergen and ISS and having the recited extent of conjugation (in the case of claims 63) and the recited ratio of average mass (as recited in claim 75). Methods of preparing such conjugate populations are described in the specification. Methods of assessing such conjugate populations are described in the specification. ISS are well developed in the art. See for example, the specification at pages 4-6, which provide references describing ISS. The art recognizes the 5'-CG-3' motif as evidenced by Van Uden and Segal cited by the Examiner in the Section 112, first paragraph enablement rejection. Allergens are well developed in the art. See for example, the specification at pages 43 through 50, including Table 1. It is not necessary to describe every ISS or every allergen, as the Examiner alleges, in order to comply with the Written Description requirements.

The specification provides a description of sufficient, relevant, identifying characteristics of the claimed populations of conjugate molecules that one skilled in the art would recognize that the inventor had possession of the claimed invention when the application was filed. Applicants respectfully submit that the claimed invention is in compliance with Section 112, first paragraph,

written description. Accordingly, Applicants respectfully request withdrawal of this Section 112, first paragraph, written description rejection of claims.

III. Claims 71, 83, 96, and 100 are rejected under Section 112, second as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants traverse this rejection of claims. The Examiner states that the recitation of "purine" in claim 71 has no antecedent basis in claim 63. Claim 63 recites " wherein said ISS comprises a 5' cytosine guanine-3 dinucleotide" (that is, a C,G). Claim 71 recites the population of claim 63 wherein said ISS comprises 5'-purine, purine, C,G, pyrimidine, pyrimidine, C,G-3'. Both claims 63 and 71 recite a CG dinucleotide. The same issue applies to claims 75 and 83. Both claims 75 and 83 recite a CG dinucleotide. The Examiner alleges that claims 96 and 100 are ambiguous and indefinite because it is not clear which mammal the allergen belongs. Applicants contend that recitation of a mammalian allergen would be sufficiently clear and definite to one of skill in the art. The Examiner alleges that claims 71, 83, 96 and 100 fail to further limit the subject matter of a previous claim. Applicants submit that claims 71, 83, 96 and 100 would be clear and definite to one of skill in the art and therefore comply with Section 112, second paragraph. Applicants request withdrawal of this Section 112, second paragraph rejection of claims.

In view of the arguments presented above, Applicants request withdrawal of all the Section 112, first and second paragraph rejections of claims.

Claims deemed free of the prior art by the Examiner

The Examiner at page 12 of the Office Action states that claim 108 stands free of the prior art. Applicants point out that all of the previous Section 102 and 103 rejections have been withdrawn. Therefore, all pending claims appear fee of the art previously cited by the Examiner.

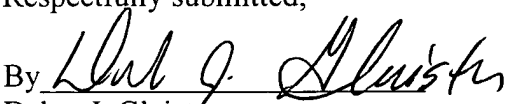
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference with the Examiner or his supervisor would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 377882001500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 12 2006

Respectfully submitted,

By 

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